

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

MAY 20 2009

 John C. Johnson
CLERK

UNITED STATES OF AMERICA, * CR 07-40055-10
*
* Plaintiff, *
*
* -vs- * ORDER DENYING MOTION FOR
* REDUCED SENTENCE UNDER
* 18 U.S.C. § 3582(c)(2)
*
* ALLISON CRAWFORD, *
* Defendant. *

On October 20, 2008, defendant Allison Crawford filed a pro se motion for a reduced sentence pursuant to 18 U.S.C. § 3582(c)(2).

On November 1, 2007, the Sentencing Commission issued amendments to the crack cocaine guidelines which lowered sentencing ranges for most crack offenses by two offense levels. On December 11, 2007, the Commission voted to apply the crack amendments retroactively to cases in which the defendant was sentenced before November 1, 2007. Apparently Defendant does not realize that this Court applied the crack cocaine amendments with the lower offense level when Defendant was sentenced on December 18, 2007. As Defendant noted in her Motion, pursuant to the amendment, the offense level specified in the Drug Quantity Table under USSG §2D1.1(c)(5) sets a base offense level of 30 for at least 50 grams but less than 150 grams of crack cocaine. The Defendant's criminal activity involved at least 50 grams of crack, and she was assigned a base offense level of 30 in accordance with the crack amendments. Defendant is not eligible for a sentence reduction because she already received the benefit of the crack cocaine amendments. Accordingly,

IT IS ORDERED that Defendant Allison Crawford's motion for a reduced sentence pursuant to 18 U.S.C. § 3582(c)(2), Doc. 1268, is denied.

Dated this 20th day of May, 2009.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Samuel W. Haas
(SEAL) DEPUTY